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REVIEW OF ACTIVITIES OF THE UNITED NATIONS SYSTEM RELATING TO INDIGENOUS PEOPLES: AN INTERACTIVE DISCUSSION

Information received from the United Nations system

UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME (UN-HABITAT) AND INDIGENOUS PEOPLES

I. INTRODUCTION

1. The United Nations Human Settlements Programme (UN-HABITAT) is the United Nations focal point for facilitating human settlements solutions as an integral part of sustainable development processes, not only for individual countries but the world community as a whole. It receives its overall policy guidance, priorities and direction from the Governing Council on Human Settlements. The UN-HABITAT has direct involvement in human settlements research and development, as well as technical cooperation programmes.

2. UN-HABITAT which is based in Nairobi, was established in 1978 by the United Nations General Assembly. It came into being following the United Nations Conference on Human Settlements (Habitat I) held in Vancouver, Canada, in June 1976. Habitat I focused global attention for the first time on the unprecedented growth of urban populations and rural-urban migration in developing countries, and the consequent need to address the living and working conditions of millions of people.

3. UN-HABITAT works in partnership with Governments, United Nations specialized agencies, civil society organizations and the private sector to implement the Istanbul Declaration on Human Settlements and the Habitat Agenda. UN-HABITAT has specialized expertise in most areas of human settlements development, namely urban governance, shelter policies, such as combating forced eviction and homelessness, risk and disaster management, advocacy issues

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on gender equality and non-discrimination. Its Global Report on Human Settlements (2001) stimulates international and national partners to debate key development issues, such as changes and challenges in a globalizing world, emerging approaches to governance and politics, changes in housing finance and shelter delivery systems, development in the urban environment and infrastructure and building a common future.

4. Promoting solidarity and cooperation among countries is another key component of UN-HABITAT principles for the achievement of sustainable human settlements development and the provision of adequate shelter and basic services for all. As stated by States at the Habitat II Conference[1] in 1996, partnerships and solidarity with those belonging to vulnerable and disadvantaged groups (VDG) including indigenous peoples and people living in poverty, tolerance, non-discrimination and cooperation among people, families and communities, are foundations for social cohesion. In promoting social cohesion and solidarity, the primary challenge of UN-HABITAT is to support the civic engagement and commitment of Governments at all appropriate levels to establish and strengthen participatory mechanisms, ensuring that all voices, including those of the urban poor, and other vulnerable and disadvantaged groups, including indigenous peoples, are heard when problems and priorities are being identified, goals set, service standards determined, resources mobilized and policies, programmes and projects relating to human settlements development implemented.

5. In addition at its headquarters in Nairobi, UN-HABITAT undertakes activities through its three regional offices: for Africa and Arab States (located in Nairobi); for Latin America and the Caribbean (located in Rio de Janeiro, Brazil); and for Asia and the Pacific (located in Fukuoka, Japan). UN-HABITAT also has seven liaison and information offices (in Beijing, Brussels, Budapest, Chennai, Geneva, Moscow and New York).

6. In December 2001, the General Assembly decided to transform, with effect from 1 January 2002, the United Nations Centre for Human Settlements into "the United Nations Human Settlements Programme", to be known also as "UN-HABITAT". The General Assembly also changed the name of the governing body from "the United Nations Commission on Human Settlements" to "the Governing Council of the United Nations Human Settlements Programme" which reports to the General Assembly through the Economic and Social Council. The UN-HABITAT secretariat will service the Governing Council and serve as the focal point for human settlements and for the coordination of human settlement activities within the United Nations system. As specified by the General Assembly in its resolution 32/162, the Governing Council is composed of 58 members elected by the Economic and Social Council for four-year terms on the following basis: (a) 16 seats for African States; (b) 13 seats for Asian States; (c) 6 seats for Eastern European States; (d) 10 seats for Latin American States; (e) 13 seats for Western European and other States.

II. POSITION AND POLICIES OF UN-HABITAT TOWARDS INDIGENOUS PEOPLES

7. The UN-HABITAT supports and promotes the principle of a human rights based approach and framework for development and the principle that the right to development and

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[1] United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996.

other economic social and cultural rights are inalienable human rights, whereby every person and all peoples are entitled to participate in, contribute to and enjoy the benefits of development. UN-HABITAT works towards this goal, focusing on increasing inclusiveness and social integration and the realization of housing rights as effective means of improving living conditions in human settlements.

8. Within this approach and framework, UN-HABITAT receives guidance from the human rights treaties and their supervisory bodies and, primarily, from Habitat Agenda in promoting and protecting the rights of the urban poor and other vulnerable and disadvantaged groups, including indigenous peoples, to land, housing and property, and other economic resources. In order to protect and to promote indigenous people's rights in human settlements development and to ensure their full participation in the development of the rural and urban areas in which they live, with full respect for their culture, languages, traditions, education, social organizations and settlement patterns, UN-HABITAT works towards and supports the implementation of specific commitments and measures of the Habitat Agenda.

Paragraph 122

... Governments and leaders of indigenous communities, within the national context, should:

(a) Take particular actions to enhance their productive capacities, ensuring...full and equal access to social and economic services [for indigenous people] and their participation in the elaboration and implementation of policies that affect their development;

(b) Support the economic activities of indigenous people in order to improve their conditions and development and to secure their safe interaction with larger communities;

(c) Integrate indigenous women, their perspectives and knowledge, on an equal basis with men, in decision-making regarding human settlements, including sustainable resource management and the development of policies and programmes for sustainable development, including, in particular, those designed to address and prevent environmental degradation of land;

(d) Address the particular needs of indigenous children and their families, especially those living in poverty, thereby enabling them to benefit fully from economic and social development programmes.

Paragraph 136

... Governments at appropriate levels, including local authorities, in partnership with other interested parties, should:

(e) Ensure adequate research to assess how and to what extent women and children are particularly susceptible or exposed to environmental degradation and hazards, including, as necessary, research and data collection on specific groups of women and children, particularly women with low incomes, indigenous women and women belonging to minorities.

Source: United Nations Centre for Human Settlements (Habitat II), Istanbul, Turkey 3-14 June 1996. Habitat Agenda.

9. With these objectives and guidance and through its diverse activities, UN-HABITAT seeks to raise the awareness and to enhance the capacity of central and local government policy makers and stakeholders so that housing, land, property and other socio-economic issues can be dealt with through more effective measures relating to the promotion, protection and fulfilment of human rights of all populations, including the urban poor, vulnerable and disadvantaged groups and indigenous peoples who live in human settlements. Particular focus is placed in this process on the needs of indigenous women, who in many cases and societies do not enjoy the same status and benefits as men.

III. ACTIVITIES OF UN-HABITAT RELATING TO INDIGENOUS PEOPLES

10. Since the Second United Nations Conference on Human Settlements (Habitat II), held in 1996, the United Nations Human Settlements Programme (UN-HABITAT) has intensified its activities on issues of inclusive cities and the realization of human rights in general and housing rights in particular, with special focus on the rights of the poor, vulnerable and disadvantaged groups, including indigenous peoples, living in human settlements. Actions of UN-HABITAT relevant in these contexts are implemented as part of and a contribution to its two global campaigns: the Global Campaign on Urban Governance and the Global Campaign for Secure Tenure.

A. Global Campaign on Urban Governance (CGUG)

11. UN-HABITAT has launched the CGUG with a strategic focus on urban poverty reduction. The Campaign is the product of an emerging consensus that the quality of urban governance has a tremendous impact on poverty reduction efforts. Many local authorities, for example, control issues related to the access, cost and regulation of land use, housing, infrastructure and basic services. They are also responsible for local economic development, including the informal sector. Moreover, the ability of the urban poor and vulnerable and disadvantaged groups including indigenous peoples to participate effectively in local decision-making processes has considerable impacts on whether strategic plans are designed and implemented to address their needs and interests.

B. Global Campaign for Secure Tenure (GCST)

12. The GCST, which was launched in July 2000, is an advocacy instrument of the United Nations designed to promote the right of the urban poor, and other vulnerable and disadvantaged groups, including indigenous peoples, to participate in processes of settlement upgrading and urban development. By promoting the application of secure forms of tenure and by encouraging negotiation as an alternative to forced eviction, the GCST strengthens collaboration between government at all levels and the urban poor and vulnerable and disadvantaged groups, including indigenous peoples. Secure tenure is regarded as a strategic entry point to eradicate urban poverty. With security of tenure, people living and working in informal settlements are more likely to invest their own resources in shelter and basic services, as well as to make claims on public investment and to attract private investment. Furthermore, security of tenure promotes the integration of slum dwellers in general, and of the urban poor and other vulnerable and disadvantaged groups including indigenous peoples in particular, into society as urban citizens.

13. During the implementation of the GCST, particular attention should be given to the needs and participation of indigenous people. The GCST will advocate for the respect of their identity and culture. It will promote and support an appropriate environment that enables them to participate in political, social and economic life. In the implementation of the GCST, the main areas of focus with respect to indigenous people are on the following commitments of States in the Habitat Agenda:

Paragraph 40

We further commit ourselves to the objectives of: ... (b) Providing legal security of tenure and equal access to land to all people, including women and those living in poverty; and undertaking legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies; ...(d) Ensuring transparent, comprehensive and accessible systems in transferring land rights and legal security of tenure; ...(j) Eradicating and ensuring legal protection from discrimination in access to shelter and basic services, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; similar protection should be ensured against discrimination on the grounds of disability or age; ...(l) Promoting shelter and supporting basic services and facilities for education and health for the homeless, displaced persons, indigenous people, women and children who are survivors of family violence, persons with disabilities, older persons, victims of natural and man-made disasters and people belonging to vulnerable and disadvantaged groups, including temporary shelter and basic services for refugees; (m) Protecting within the national context, the legal traditional rights of indigenous people to land and other resources, as well as strengthening of land management...

Source: Habitat Agenda

14. Furthermore, to promote active engagement of indigenous people as well as their broad based participation in human settlements development, paragraph 182 of Habitat Agenda states that:

... national Governments, local authorities and/or civil society organizations should put into effect, at appropriate level institutional and legal frameworks ... specifically aimed at, inter alia: (g) Removing legal barriers to participation in public life by socially marginalized groups and promoting non-discrimination legislation; (h) Establishing agenda setting participatory mechanisms enabling individuals, families, communities, indigenous people and civil society to play a proactive role in identifying local needs and priorities and formulating new policies, plans and projects;

Source: Habitat Agenda

15. UN-HABITAT encourages central Governments and local authorities to take into consideration human rights frameworks and measures when forced evictions of urban poor, vulnerable and disadvantaged groups, including indigenous peoples, are unavoidable, ensuring that alternative solutions are provided. It facilitates actions aimed at, inter alia, ensuring legal

security of tenure and capacity building and improving access to credit, which, apart from subsidies and other financial instruments, can provide them with safety nets that reduce their vulnerability and disadvantage.

16. UN-HABITAT advocates for the provision of housing subsidies and social services for urban poor, vulnerable and disadvantaged groups including indigenous peoples, supports and facilitates the provision of increased coverage of water supply and sanitation services to ensure that they have access to adequate quantities of safe water and to hygienic sanitation. UN-HABITAT supports the provision of an environment that enables urban poor, vulnerable and disadvantaged groups including indigenous peoples to participate in the social, economic and political life of their community and country, it facilitates them the availability of legal information and assistance, and supports the review and revision of legal, fiscal and regulatory framework within the shelter sector that act as barriers for them. The primary vehicle for consolidating these actions and translating them in operational terms is the Cities Alliance.

C. Cities Alliance

17. The Cities Alliance was launched jointly by UN-HABITAT and the World Bank in May 1999 as an expanding partnership of organizations committed to developing innovative approaches to urban poverty reduction. With membership of the World Bank, UN-HABITAT and 12 bilateral agencies, the Cities Alliance is a facility for coordinating development cooperation and investment in the areas of slum upgrading and city development. The Cities Alliance has two principal operational components. First, city development strategies (CDS) is an action plan for equitable growth in cities, developed and sustained through broad-based participation to improve the quality of life of all citizens. Second, the Cities Alliance is engaged in slum upgrading that consists of a range of physical, social, economic, organizational and environmental improvements undertaken cooperatively to improve the quality of life in slums. The Cities Alliance, in its "Cities Without Slums" action plan, has set the ambitious target of making a significant improvement in the lives of at least 100 million urban poor, vulnerable and disadvantaged groups including indigenous peoples by 2020. Governments recently endorsed this target in the Millennium Declaration.

D. United Nations Housing Rights Programme

18. In support of the above activities - and in collaboration with the Office of the High Commissioner for Human Rights, and in compliance with resolution 16/7 of the Commission on Human Settlements and resolutions 2001/28 and 2001/34 of the Commission on Human Rights - UN-HABITAT has initiated the United Nations Housing Rights Programme. The primary objective of this programme is to promote and contribute to the global process of the full and progressive realization of the human right to adequate housing for the urban poor, vulnerable and

disadvantaged groups including indigenous peoples. To achieve this objective the United Nations Housing Rights Programme is involved in the following actions at the global level:

Formulating and adopting norms, standard rules and guidelines;

Elaborating on the existing international legal instruments and enhancing compliance by States;

Establishing a mechanism for the exchange of information and experience;

Developing a system to monitor and evaluate the realization of housing rights.

19. The main challenge of the United Nations Housing Rights Programme, however, is to facilitate and encourage the progressive actions of actors at the national and local levels, including establishment/development of appropriate legislative frameworks and/or reform of current frameworks; building effective institutional structures/arrangements, which also ensures linkages with other services, including health, education, housing, food and water; and organization of national monitoring and evaluation systems to liase with the global level monitoring. Actions at the national level in fundamental areas such as equal access to housing resources for the urban poor, vulnerable and disadvantaged groups including indigenous peoples; promotion of security of tenure and prevention of forced evictions; combating homelessness and protecting the rights of homeless people; and access to legal and other remedies.

E. Gender equality and women's empowerment initiatives

20. UN-HABITAT addresses gender equality and women's empowerment through all its programmes and activities. Its objective is to advocate the effective implementation of Habitat Agenda commitments related to gender equality and women's empowerment. The UN-HABITAT gender and women's empowerment policy has three overall objectives:

(i) To promote women's equal rights and women's empowerment internationally within the area of human settlements development;

(ii) To support Governments, NGOs and other partners in capacity building and development in order to mainstream gender equality in human settlements development;

(iii) To mainstream a gender perspective throughout UN-HABITAT activities.

21. The main method of outreach for the empowerment of women, vulnerable and disadvantaged groups including indigenous women in human settlements is through the global women's networks dealing with women, homes and communities operating under the umbrella of the Huairou Commission, created in Beijing in 1995. These networks include the Habitat International Council Women and Shelter Network (HICWAS), Grassroots Women

Organizing Together in Sisterhood (GROOTS) and the International Council of Women (ICW). These networks aim to advance the capacity of grass-roots women worldwide to strengthen and create sustainable communities.

22. Besides the global women's networks, UN-HABITAT has created the Gender Task Force (GTF), an internal body which aims to mainstream gender in all aspects of UN-HABITAT's work. This body meets regularly to develop a consolidated gender mainstreaming approach, methods, tools and instruments. It also has members who are the gender focal points in the three UN-HABITAT regional offices.

23. The women's network partners of UN-HABITAT are currently engaged in a wide range of activities to bring the concerns of grass-roots women including indigenous women, into public decision-making and policy at a variety of levels. Activities currently include the Grassroots Women's International Academy (GWIA) for peer-group learning among communities in the North and South, the "local-local dialogues" to activate grass-roots women's participation in local authority decision-making. To ensure that urban poor and especially indigenous women and men benefit from equal opportunities in access to land, housing and property, gender mainstreaming and the women's empowerment perspective are integrated in all UN-HABITAT programmes and activities. The Gender Policy Unit works closely with the Global Campaigns on Secure Tenure and Good Urban Governance.

F. Risk and Disaster Management Programme

24. The Risk and Disaster Management Programme (RDMP) was created to marshal the resources of UN-HABITAT to provide local government, communities and business organizations with practical strategies for mitigating and recovering from conflicts and natural disasters.

25. With the largest operational budget of UN-HABITAT, RDMP field activities cover several disaster and conflict-affected countries. These activities inform ongoing tool and network development for vulnerability reduction in human settlements. The main activities of UN-HABITAT in this programme consist in supporting national Governments, local authorities and communities in strengthening their capacity to manage man-made and natural disasters through awareness raising. This applies both to the prevention and mitigation of disasters, as well as the rehabilitation of human settlements.

26. UN-HABITAT provides support to national Governments, local authorities and communities by fielding assessment and technical advisory missions to disaster-prone countries; strengthening coordination and networking among communities, NGOs, Governments and external support organizations in performing disaster-related activities and by developing techniques and tools for the management of disaster prevention, mitigation and rehabilitation. UN-HABITAT designs and implements training programmes, as well as supporting training activities executed by other agencies and field projects. It promotes horizontal cooperation among networking institutions, experts on disaster-related activities in human settlements; and

promotes the use of tools for disaster prevention, mitigation and preparedness in order to reduce the vulnerability of poor people including indigenous peoples to natural, man-made and technological disasters.

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